IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11772 of 2004

Between:

Kanamarlapudi Venkaiah, S/o. Ramaiah,
Occ: Business, R/o. Cheruvu Madaram, Nelakondapally Mandal, Khammam District.

..... PETITIONER

AND

1 The Prohibition & Excise Inspector, Prohibition & Excise Station, Nelakondapally, Khammam District.
2 The Deputy Commissioner of Prohibition and Excise, Warangal Circle, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to release 115 bags of Black Jaggery each 50 Kgs. seized by the 1st respondent on 26-8-2002 under Crime No.330/2002-2003 on the file of Prohibition & Excise Station, Nelakondapally, Khammam District by declaring the seizure made by the 1st respondent in the above Crime as illegal and without jurisdiction.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following ORDER:

Heard the learned counsel on either side and at their request the main writ petition itself is taken up for disposal.

The petitioner filed this writ petition *inter alia* seeking writ of mandamus declaring the action of the respondents in not releasing 115 bags of Black Jaggery each 50 Kgs. seized by first respondent on 26.08.2002 under Crime No.330 of 2002-2003 on the file of the Prohibition & Excise Station, Nelakondapally, Khammam District.

Though several contentions have been urged by the learned counsel, it is not necessary to go into the merits of the case, more so, in view of the fact that the enquiry is still pending before first respondent for release of the Black Jaggery. A Full Bench of this Court reported in GANESH TRADERS Vs. DISTRICT COLLECTOR, KARIMNAGAR held that this Court could not exercise powers under Article 226 of the Constitution of India for release of the Jaggery and the only remedy left to the party is to approach the concerned authority for appropriate action.

In view of the same, I do not find any ground in this writ petition and the same is accordingly dismissed with a liberty to the petitioner to file an application before first respondent. On such application being filed by the petitioner, first respondent is directed to consider and dispose of the same in accordance with law within a period of two weeks from the date of the said application. No costs.

25.10.2004

va

To

1 The Prohibition & Excise Inspector, Prohibition & Excise Station, Nelakondapally, Khammam District.
2 The Deputy Commissioner of Prohibition and Excise, Warangal Circle, Warangal District.

3 Two CCs to G.P. for Prohibition & Excise, High Court of A.P. Buildings, Hyderabad (OUT)

4 Two CD Copies